

# Exhibit 1

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X	Civil Action: 16-CV-1090
UNITED STATES OF AMERICA,	:
<i>ex rel</i> , YNKDY-2 and James Gordon	:
	:
STATE OF NEW YORK,	:
<i>ex rel</i> , YNKDY-2, and James Gordon,	:
	:
STATE OF NEW JERSEY,	:
<i>ex rel</i> YNKDY-2, and James Gordon	:
	:
Relator,	:
v.	:
	:
Shiel Medical Laboratory; Shiel Holdings, LLC;	:
Fresenius Medical Care; BIM Medical, Inc.;	:
Jack Basch; Fresenius Medical Care Holdings, Inc.;	:
Spectra Holdco, LLC; Does 3-10, Inclusive, et al.,	:
	:
Defendants.	:
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JAMES GORDON declares under penalty of perjury pursuant to 28 U.S.C. §1746, as follows:

1. I am the founder of YNKDY-2, which is owned by a trust of which I am the sole settlor.

2. I make this Declaration in support of the Relator's motion for leave to amend the complaint. I make each statement herein based on my own personal knowledge and if called upon to do so, could and would testify competently to the following:

3. YNKDY-2 was created in February of 2016. At that time I was still employed by Shiel Medical Laboratory and received paychecks bearing that name.

4. I sought anonymity to bring this action because I feared that I would be retaliated against and fired if my employer knew I was the whistleblower.

5. I had this fear because in December of 2013 Shiel employee Juan Martinez threatened to become a whistleblower. When Jack Basch learned of this threat he spoke loudly, angrily, and at some length to me whistleblowers, using very definite and derogatory terms. This was on my mind when I considered reporting Shiel to the government, as I was certain that if Basch would fire me the instant he learned that I had blown the whistle. I also feared that he would use his extensive connections in the healthcare industry to prevent me from getting another job.

6. I have five children and was the sole support of my family when I created YNKDY-2. In February of 2016 the oldest was in 12<sup>th</sup> grade and was heading for college. (He graduated from the University of Michigan and is working in financial technology.) The next oldest was 15 and was also clearly college bound. (He graduated from the University of Texas with a Master's degree in Accounting and works for Deloitte.) My third son was 12 at the time, and he is now a junior at Vanderbilt. My twin girls who were 8 at the time, are now in 12<sup>th</sup> grade and will be going to college as well.

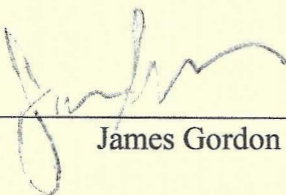
for the education of my children.

8. My sole purpose in establishing YNKDY-2 was to try to avoid being fired by my employer and blacklisted in the clinical laboratory industry, in which I had spent nearly twenty years. It was the only business sector I knew.

9. Through my trust, I own 100% of the stock of YNKDY-2 and personally exercise complete dominion and control over the corporation. I am the sole income beneficiary of the trust.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 14, 2024, at Millwood, New York.



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James Gordon